

Statutory Document 2019/0380



**STATEMENT OF
CHANGES IN
IMMIGRATION RULES**

Laid before Tynwald on 15 October 2019 under section 3(2) of the
Immigration Act 1971 (an Act of Parliament as extended to the Isle of Man by the
Immigration (Isle of Man) Order 2008 (SI 2008 no. 680))

The Cabinet Office has made the following changes to the Immigration Rules laid down by it as to the practice to be followed in the administration of the Immigration Act 1971¹ (of Parliament) as it has effect in the Isle of Man² for regulating entry into and the stay of persons in the Isle of Man and contained in the Statement laid before Tynwald on 17 May 2005³.

Commencement

All changes set out in this Statement take effect from 29 October 2019.

Changes to the Introduction

Intro1. In paragraph 6, in the definition of “**EEA national**” omit “(1)”.

Intro2. In paragraph 6, in the definition of “**present and settled**” or “**present and settled in the Isle of Man**” for the second and third paragraph, substitute—

“Where the person concerned is a British citizen or settled in the Isle of Man and is—

- (a) a member of HM Forces serving overseas; or
- (b) a permanent member of HM Diplomatic Service, or a comparable UK or Island based staff member of the British Council, the Department for International Development or the Home Office on a tour of duty outside the UK and Islands, and the applicant has provided the evidence specified in paragraph 26A of Appendix FM-SE, then for the purposes of Appendix FM the person is to be regarded as present and settled in the Isle of Man, and in paragraphs R-LTRP.1.1.(a) and R-ILRP.1.1.(a) of Appendix FM the words “and their partner must be in the Isle of Man” are to be disregarded.

For the purposes of an application under Appendix FM, or as a fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner, same sex partner, child, parent or adult dependent relative under Part 8, an EEA national or non-EEA national with a permanent right to reside in the Isle of Man under European law must hold a valid document certifying permanent residence issued under the EEA Regulations or predecessor instruments in order to be regarded as present and settled in the Isle of

¹ 1971 c. 77

² See the Immigration (Isle of Man) Order (S.I. 2008 No 680)

³ S.D. 62/05 amended by S.D.692/05, S.D. 442/06, S.D. 547/06, S.D. 781/06, S.D. 871/06, S.D. 124/07, S.D. 303/07, S.D. 534/07, S.D. 02/08, S.D. 500/08, GC 32/09, GC 35/09, GC 14/10, GC 26/10, GC 02/11, SD 518/11, SD 40/12, SD 0288/12, SD 0625/12, SD 0657/12, SD250/13, SD 302/13, SD 345/13 ,SD 2014/0004, SD 2014/0082, SD 2014/241, SD2014/314 , SD2014/324, SD2015/0265, SD2015/0386, SD2016/0092, SD2016/0175, SD5016/0211, SD2017/0066, SD2017/0183, SD2017/0314, SD2018/0084, SD2018/0134, SD2018/0328, SD2019/0119, SD2019/0143 and SD2019/0330.

Man. This does not, however apply if the EEA national or non-EEA national has been, or would be if he or she were to make a valid application in the case of an Irish citizen, granted indefinite leave to enter or remain under Appendix EU to these rules.”.

Changes to Part 9

9.1 For paragraph D320., substitute—

“D320. Part 9 does not apply to applications made under Appendix EU or under Appendix EU (Family Permit).”.

9.2 For paragraph E320., substitute—

“E320.(1) Part 9 does not apply to leave to enter granted by virtue of having arrived in the Isle of Man with an entry clearance that was granted under Appendix EU (Family Permit), except for paragraphs 321B, 323(i), 323(ia) and 323(ii), which apply to such leave, regardless of the application of paragraph 5 of these Rules.

(2) Part 9 does not apply to refusal of leave to enter where the person is seeking entry to the Isle of Man by virtue of having been granted an entry clearance under Appendix EU (Family Permit).

(3) Part 9 does not apply to leave to enter or remain that was granted by virtue of Appendix EU, except for paragraphs 321B, 323(i), 323(ia) and 323(ii), which apply to such leave, regardless of the application of paragraph 5 of these Rules.”.

9.3 For paragraph 321B, substitute—

“321B. A person’s leave to enter or remain which is in force on that person’s arrival in, or while that person is outside of, the Isle of Man may be cancelled—

(a) if that person has leave to enter or remain in the Isle of Man granted by virtue of Appendix EU, or leave to enter the Isle of Man granted by virtue of having arrived in the Isle of Man with an entry clearance that was granted by virtue of Appendix EU (Family Permit); and

(b)(i) the cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether those Regulations apply to that person (except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter

or remain”; and for “EEA decision” read “a decision under paragraph 321B of the Immigration Rules”);

- (ii) the cancellation is justified on the ground that, the United Kingdom having withdrawn from the European Union without a Withdrawal Agreement, cancellation is conducive to the public good, on the basis of the person’s conduct committed after the date and time of withdrawal;
- (iii) the cancellation is justified on grounds that, in relation to the relevant application under Appendix EU or Appendix EU (Family Permit), and whether or not the applicant’s knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under Appendix EU or Appendix EU (Family Permit); or
- (iv) that person’s leave to enter or remain was granted under Appendix EU and that person ceases to meet the requirements of that Appendix.”.

9.4 In paragraph 323, for sub-paragraph (i), substitute—

- “(i) on any grounds set out in paragraph 322(2)-(5A) above (except where this paragraph applies in respect of a person granted leave to enter or remain under Appendix EU or granted leave to enter by virtue of having arrived in the Isle of Man with an entry clearance that was granted under Appendix EU (Family Permit), where “paragraph 322(2)-(5A) above” is to read as if it said “paragraph 322(2)-(2A)”); or”.

Changes to Appendix B

B1. In paragraph 1—

- (a) at the end of subparagraph (i), insert “or”;
- (b) in subparagraph (ii) for “, or”, substitute “.”; and
- (c) omit subparagraph (iii).

B2. In paragraph 2—

- (a) renumber the paragraph “1A”;

- (b) omit “meet the English language requirements set in Table 2 below. To meet this requirement the migrant must”
- (c) for sub-paragraph (iii) substitute —
“(iii) have passed an English language test, the required levels are set out in Table 1 Row F and G below;”.
- (d) in subparagraph (iv), omit “or”;
- (e) in subparagraph (v), for “.”, substitute “; or”
- (f) after subparagraph (v), insert—
“(vi) be employed as a doctor, dentist, nurse or midwife, and have passed an English language assessment which is accepted by the relevant regulated professional body as a requirement for registration.”.

B3. In paragraph 3, renumber the paragraph “2”.

B4. In paragraph 4, renumber the paragraph “3”.

B5. In the first paragraph 5, renumber the paragraph “4”.

B6. For paragraph 10, substitute—

“10. 10 points will only be awarded (or in the case of a Worker Migrant, will only have met the requirement) for passing an English language test if the applicant has passed a Secure English Language Test, at a Secure English Language Test centre, which has been approved by the Secretary of State and has provided their unique reference number for the test, which allows their score to be verified using the provider’s online verification system. Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages of Gov.uk.

Where two or more components (reading, writing, speaking and listening) of an English language test are examined and awarded together, for example a combined exam and certificate for reading and writing skills, the specified evidence submitted by the applicant must show that they achieved the required scores in all the relevant components during a single sitting of that examination, unless exempted from sitting a component on the basis of his or her disability.”.

Changes to Appendix EU

EU1. For Appendix EU, substitute—

“Appendix EU: EU, other EEA and Swiss citizens and family members

Purpose

EU1. This Appendix sets out the basis on which an **EEA citizen** and his or her family members, and the family members of a **qualifying British citizen**, will, if they apply under it, be granted indefinite leave to enter or remain or limited leave to enter or remain.

Requirements and procedure

EU2. The applicant will be granted indefinite leave to enter (where the application is made outside the UK and Islands) or indefinite leave to remain (where the application is made within the Isle of Man) where—

- a valid application has been made in accordance with paragraph EU9;
- the applicant meets the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12; and
- the applicant is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

EU3. The applicant will be granted 5 years’ limited leave to enter (where the application is made outside the UK and Islands) or 5 years’ limited leave to remain (where the application is made within the Isle of Man) where—

- a valid application has been made in accordance with paragraph EU9;
- the applicant does not meet the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12, but meets the eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14; and
- the applicant is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

EU4. Where a person has been granted limited leave to enter or remain under this Appendix—

- they must continue to meet the eligibility requirements for that leave which they met at the **date of application** (except for any which related to their dependency as a **child, dependent parent** or **dependent relative**) or meet other eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14; and
- they remain able to apply for indefinite leave to enter or remain under this Appendix and will be granted this where the requirements in paragraph EU2 are met.

EU5. Where a person has been granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix and that person also has a right to enter or reside under the **EEA Regulations**, the leave does not have effect to the person's detriment in so far as the leave is incompatible with that right to enter or reside for as long as that person has that right.

EU6. A valid application made under this Appendix which does not meet the requirements for indefinite leave to enter or remain or limited leave to enter or remain will be refused.

EU7. Annex 1 sets out definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.

EU8. Annex 2 applies to the consideration by the Minister of a valid application made under this Appendix.

Valid application

EU9. A valid application has been made under this Appendix where—

- (a) it has been made using the **required application process**;
- (b) the **required proof of identity and nationality** has been provided, where the application is made within the Isle of Man;
- (c) where an application is made from outside the UK and Islands, the **required proof of entitlement to apply from outside the UK and Islands** has been provided; and
- (d) the **required biometrics** have been provided.

EU10. An application will be rejected as invalid where it does not meet the requirements in paragraph EU9.

Eligibility for indefinite leave to enter or remain

Persons eligible for indefinite leave to enter or remain as a relevant EEA citizen or his or her family member, or as a person who has a derivative right to reside or a Zambrano right to reside.

EU11. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a **relevant EEA citizen** or his or her family member (or as a **person who has a derivative right to reside** or a **person with a Zambrano right to reside**) where the Minister is satisfied, including (where applicable) by the **required evidence of family relationship**, that, at the date of application, one of conditions 1 to 7 set out in the following table is met—

Condition	Is met where—
1.	<p>(a) The applicant—</p> <ul style="list-style-type: none"> (i) is a relevant EEA citizen; or (ii) is (or, as the case may be, was) a family member of a relevant EEA citizen; or (iii) is (or, as the case may be, was) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and <p>(b) the applicant has a documented right of permanent residence; and</p> <p>(c) no supervening event has occurred</p>
2.	<p>(a) The applicant is—</p> <ul style="list-style-type: none"> (i) a relevant EEA citizen; or (ii) a family member of a relevant EEA citizen; or (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and <p>(b) there is valid evidence of his or her indefinite leave to enter or remain</p>
3.	<p>(a) The applicant—</p> <ul style="list-style-type: none"> (i) is a relevant EEA citizen; or (ii) is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen; or (iii) is (or, as the case may be, for the relevant period was) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or (iv) is a person with a derivative right to reside; or (v) is a person with a Zambrano right to reside; or (vi) is a person who had a derivative or Zambrano right to reside; and <p>(b) the applicant has completed a continuous qualifying period of 5 years in any (or any combination) of those categories; and</p> <p>(c) since then no supervening event has occurred</p>
4.	<p>(a) The applicant is a relevant EEA citizen who is a person who has ceased activity; and</p>

	(b) since they did so, no supervening event has occurred
5.	<p>(a) The applicant is (or, as the case may be was) a family member of a relevant EEA citizen who is a person who has ceased activity; and</p> <p>(b) the relevant EEA citizen—</p> <p style="padding-left: 40px;">(i) meets the requirements of sub-paragraph (b) of the definition of relevant EEA citizen in Annex 1; or</p> <p style="padding-left: 40px;">(ii) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); and</p> <p>(c) sub-paragraph (a) above was met at the point at which the relevant EEA citizen became a person who has ceased activity; and</p> <p>(d) the applicant was resident in the UK and Islands for a continuous qualifying period immediately before the relevant EEA citizen became a person who had ceased activity; and</p> <p>(e) since the relevant EEA citizen became a person who has ceased activity, no supervening event has occurred</p>
6.	<p>(a) The applicant is a family member of a relevant EEA citizen who has died and the relevant EEA citizen was resident in the Isle of Man as a worker or self-employed person at the time of his or her death; and</p> <p>(b) the relevant EEA citizen was resident in the UK and Islands for a continuous qualifying period of at least 2 years before dying, or the death was the result of an accident at work or an occupational disease; and</p> <p>(c) the applicant was resident in the Isle of Man with the relevant EEA citizen immediately before his or her death and since then no supervening event has occurred</p>
7.	<p>(a) The applicant is a child under the age of 21 years of a relevant EEA citizen, or of his or her spouse or civil partner, and either—</p> <p style="padding-left: 40px;">(i) the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p style="padding-left: 40px;">(ii) the person who is now his or her spouse or civil partner was the durable partner of the relevant EEA citizen before the specified date (the definition of durable partner in Annex 1 being met before that date rather than at the date of application) and the partnership remained durable at the specified date; and</p> <p>(b) the relevant EEA citizen (or, as the case may be, his or her spouse or civil</p>

	<p>partner)–</p> <p>(i) has been or is being granted indefinite leave to enter or remain under this Appendix (or under its equivalent in the UK or Channel Islands);or</p> <p>(ii) (in the case of an Irish citizen who has not made a valid application under this Appendix) would be granted that leave if they made such an application; or</p> <p>(iii) is a relevant naturalised British citizen (in accordance with subparagraphs (b), (c) and (d) of the relevant definition in Annex 1)</p>
--	--

Persons eligible for indefinite leave to enter or remain as a family member of a qualifying British citizen

EU12. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a **family member of a qualifying British citizen**, or as a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen, where the Minister is satisfied, including by the required evidence of family relationship, that, at the date of application, one of conditions 1 to 4 set out in the following table is met—

Condition	Is met where—
1.	<p>(a) The applicant is (or, as the case may be was)–</p> <p>(i) a family member of a qualifying British citizen; or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) the applicant has a documented right of permanent residence; and</p> <p>(c) no supervening event has occurred</p>
2.	<p>(a) The applicant is–</p> <p>(i) a family member of a qualifying British citizen; or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) there is valid evidence of his or her indefinite leave to enter or remain</p>
3.	<p>(a) The applicant is (or, as the case may be, for the relevant period was)–</p> <p>(i) a family member of a qualifying British citizen; or</p>

	<p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) the applicant has completed a continuous qualifying period in the UK and Islands of 5 years in either (or any combination) of those categories; and</p> <p>(c) the applicant was, for any period in which they were present in the Isle of Man as the family member of a qualifying British citizen relied upon under sub-paragraph (b), lawfully resident by virtue of regulation 10(1) to (6) of the EEA Regulations (regardless of whether in the Isle of Man the qualifying British citizen was a qualified person under regulation 7 of the EEA Regulations); and</p> <p>(d) since completing the continuous qualifying period of 5 years, no supervening event has occurred</p>
4.	<p>(a) The applicant is a child under the age of 21 years of the spouse or civil partner of the qualifying British citizen, and either –</p> <p>(i) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or</p> <p>(ii) the person who is now their spouse or civil partner was the durable partner of the qualifying British citizen before the date and time of withdrawal (within the definition of durable partner in Annex 1 being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; and</p> <p>(b) the applicant is in the Isle of Man lawfully by virtue of regulation 10(1) to (6) of the EEA Regulations (regardless of whether in the Isle of Man the qualifying British citizen was a qualified person under regulation 7 of the EEA Regulations); and</p> <p>(c) the spouse or civil partner has been or is being granted indefinite leave to enter or remain under this Appendix</p>

EU13. The reference to the applicant completing a continuous qualifying period of 5 years –

- In condition 3 in the table in paragraph EU12 can include a period (or combination of periods) during which the applicant was a relevant EEA citizen, a family member of a relevant EEA citizen, a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, a person with a derivative right to reside or a person with a Zambrano right to reside before becoming the family member of a qualifying British citizen (or thereafter a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen); and

- In condition 3 in the table in paragraph EU11 can include a period during which the applicant was a family member of a qualifying British citizen or a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen before becoming (as the case may be) a relevant EEA citizen, a family member of a relevant EEA citizen (or thereafter a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen), a person with a derivative right to reside or a person with a Zambrano right to reside.

Eligibility for limited leave to enter or remain

EU14. The applicant meets the eligibility requirements for limited leave to enter or remain where the Minister is satisfied, including (where applicable) by the required evidence of family relationship, that, at the date of application, condition 1 or 2 set out in the following table is met—

Condition	Is met where—
1.	<p>(a) The applicant is—</p> <ul style="list-style-type: none"> (i) a relevant EEA citizen; or (ii) a family member of a relevant EEA citizen; or (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or (iv) a person with a derivative right to reside; or (v) a person with a Zambrano right to reside; or (vi) a person who had a derivative or Zambrano right to reside; and <p>(b) the applicant is not eligible for indefinite leave to enter or remain under this Appendix solely because they have completed a continuous qualifying period of less than 5 years</p>
2.	<p>(a) the applicant is—</p> <ul style="list-style-type: none"> (i) a family member of a qualifying British citizen; or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and <p>(b) The applicant was, for any period in which they were present in the Isle of Man as a family member of a qualifying British citizen relied upon under sub-paragraph (c), lawfully resident by virtue of regulation 10(1) to (6) of the EEA Regulations (regardless of whether in the Isle of Man the qualifying British citizen was a qualified person under regulation 7 of the</p>

	<p>EEA Regulations); and</p> <p>(c) the applicant is not eligible for indefinite leave to enter or remain under this Appendix solely because they have completed a continuous qualifying period of less than 5 years</p>
--	--

Suitability

EU15. (a) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision—

- (i) the applicant is subject to a **deportation order** or to a decision to make a deportation order; or
- (ii) the applicant is subject to an **exclusion order** or **exclusion decision**.

(b) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision—

- (i) the applicant is subject to a **UK or CI deportation order**; or
- (ii) the applicant is subject to a **UK or CI exclusion decision**.

EU16. An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the Minister is satisfied that it is proportionate to refuse the application where—

(a) in relation to the application and whether or not to the applicant’s knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or

(b) the applicant is subject to a removal decision under the EEA Regulations; or

(c)(i) the applicant—

(aa) has previously been refused admission to the Isle of Man in accordance with regulation 24(1) of the EEA Regulations; or

(bb) had indefinite leave to enter or remain granted under this Appendix (or limited leave to enter granted by virtue of having arrived in the Isle of Man with an entry clearance that was granted under Appendix EU (Family Permit) to these Rules) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii); and

- (ii) the refusal of the application is justified either –
 - (aa) on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether those Regulations apply to that person (except that in regulation 28 for “with a right of permanent residence under regulation 17” and “has a right of permanent residence under regulation 17” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “EEA decision” read “a decision under paragraph EU16 of Appendix EU to the Immigration Rules”); or
 - (bb) in respect of conduct committed after the specified date, on the ground that the decision is conducive to the public good.

EU17. The references in paragraphs EU15 and EU16 to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on his or her application under this Appendix, has been set aside or no longer has effect in respect of the applicant.

Annex 1 – Definitions

Term	Definition
adopted child	a child adopted in accordance with a decision taken— <ul style="list-style-type: none"> (a) by the competent administrative authority or court in the Isle of Man or the UK or Channel Islands; or (b) by the competent administrative authority or court in a country whose adoption orders are recognised under the law of the Isle of Man or in the UK or Channel Islands; or (c) in a particular case in which that decision in another country has been recognised in the Isle of Man or in the UK or Channel Islands as an adoption
child	<ul style="list-style-type: none"> (a) the direct descendant under the age of 21 years of a relevant EEA citizen (or of a qualifying British citizen) or of his or her spouse or civil partner; or (b) (i) the direct descendant aged 21 years or over of a relevant EEA citizen (or of a qualifying British citizen) or of his or her spouse or civil partner; and

	<p>(ii) dependent on the relevant EEA citizen (or on the qualifying British citizen) or on his or her spouse or civil partner, unless the applicant was previously granted limited leave to enter or remain under this Appendix as a child on the basis that subparagraph (a) above applied (or under its equivalent in the UK or Channel Islands on that basis)</p> <p>‘dependent’ means here that—</p> <p>(a) having regard to his or her financial and social conditions, or health, the applicant cannot, or (as the case may be) for the relevant period could not, meet his or her essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or of the qualifying British citizen) or of his or her spouse or civil partner; and</p> <p>(b) such support is, or (as the case may be) was, being provided to the applicant by the relevant EEA citizen (or by the qualifying British citizen) or by his or her spouse or civil partner; and</p> <p>(c) there is no need to determine the reasons for that dependence or for the recourse to that support.</p> <p>in addition—</p> <p>(a) ‘child’ includes—</p> <p>(i) an adopted child of; or</p> <p>(ii) a child born through surrogacy (where recognised in the law of the Isle of Man or laws in the UK or Channel Islands) for; or</p> <p>(iii) a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001) has been made appointing as his or her special guardian; or</p> <p>(iv) a child in respect of whom an order has been made under sections 6 or 7 of the Children and Young Persons Act 2001 appointing as his or her guardian; or</p> <p>(v) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989 (of Parliament)) is in force appointing as his or her special guardian; or</p> <p>(vi) a child in respect of whom an order has been made</p>
--	---

	<p>under section 5 of the Children Act 1989 (of Parliament) appointing as his or her guardian; or</p> <p>(vii) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 (of Parliament) vesting parental responsibilities and parental rights in a person who is; or</p> <p>(viii) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995 (of Parliament), or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is; or</p> <p>(ix) a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995 (of Parliament), or in respect of whom an appointment has been made under Article 160 of that Order, appointing as his or her guardian a person who is; or</p> <p>(x) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or</p> <p>(xi) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as his or her guardian,</p> <p>(as the case may be) a relevant EEA citizen (or a qualifying British citizen) or his or her spouse or civil partner, but ‘child’ does not include a child cared for by a relevant EEA citizen (or by a qualifying British citizen) or his or her spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and</p> <p>(b) ‘direct descendant’ also includes a grandchild or great-grandchild, other than for the purpose of meeting condition 7 in the table in paragraph EU11 of this Appendix or condition 4 in the table in paragraph EU12; and</p> <p>(c) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a)(i) of the entry for ‘family member of a qualifying British citizen’ or in sub-paragraph (a) of the entry</p>
--	--

	for 'family member of a relevant EEA citizen' in this table
civil partner	<p>(a) the person is, or (as the case may be) for the relevant period was, in a valid civil partnership (which exists or existed under or by virtue of the Civil Partnership Act 2011 or under any equivalent legislation in the UK or Channel Islands); or is, or (as the case may be) for the relevant period was, in a same sex relationship registered overseas which is, or was, entitled to be treated as a civil partnership under that Act or under any equivalent legislation in the UK or Channel Islands, with a relevant EEA citizen (or with a qualifying British citizen); and</p> <p>(b) it is, or (as the case may be) for the relevant period was, not a civil partnership of convenience; and</p> <p>(c) neither party has, or (as the case may be) for the relevant period had, another civil partner, a spouse or a durable partner with (in any of those circumstances) immigration status in the Isle of Man or the UK or Channel Islands based on that person's relationship with that party</p>
<p>civil partnership of convenience</p> <p>durable partnership of convenience</p> <p>marriage of convenience</p>	<p>a civil partnership, durable partnership or marriage entered into as a means to circumvent—</p> <p>(a) any criterion the party would have to meet in order to enjoy a right to enter or reside in the Isle of Man under the EEA Regulations; or</p> <p>(b) any other provision of the immigration law of the Isle of Man or any requirement of the Immigration Rules; or</p> <p>(c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the Isle of Man under EU law; or</p> <p>(d) any criterion the party would have to meet in order to enter or reside in the UK or Channel Islands under the laws of the United Kingdom or the Channel Islands</p>
continuous qualifying period	<p>a period of residence in the UK and Islands—</p> <p>(a) which began before the specified date; and</p> <p>(b) during which none of the following occurred—</p> <p>(i) absence(s) from the UK and Islands which exceeded a total of 6 months in any 12-month period, except for—</p>

	<p>(aa) a single period of absence which did not exceed 12 months and was for an important reason (such as pregnancy, childbirth, serious illness, study, vocational training or an overseas posting); or</p> <p>(bb) any period of absence on compulsory military service;</p> <p>(cc) any period of absence on Crown service or (as a spouse, civil partner, durable partner or child) any period of absence accompanying a person on a posting on Crown service; or</p> <p>(dd) any period spent working in the UK marine area (as defined in section 42 of the Marine and Coastal Access Act 2009⁴);</p> <p>(ii) the person served or is serving a sentence of imprisonment of any length in the UK and Islands; or</p> <p>(iii) any of the following, unless it has been set aside or no longer has effect in respect of the person—</p> <p>(aa) any decision or order to exclude or remove under regulation 24 or 33 of the EEA Regulations (or under the equivalent provisions of the Immigration (European Economic Area) Regulations 2016 (of Parliament)); or</p> <p>(bb) a decision to which regulation 17(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 25(1) of the EEA Regulations (or the equivalent decision, subject to equivalent qualification, under the Immigration (European Economic Area) Regulations 2016 (of Parliament)); or</p> <p>(cc) an exclusion decision; or</p> <p>(dd) a deportation order, other than by virtue of the EEA Regulations; or</p> <p>(ee) a UK or CI deportation order; or</p> <p>(ff) a UK or CI exclusion decision; and</p> <p>(c) (where the period is less than 5 years and the person has not acquired the right of permanent residence in the Isle of Man</p>
--	---

⁴ 2009 c. 13.

	under regulation 17 of the EEA Regulations, or the right of permanent residence in the UK or Channel Islands either under the Immigration (European Economic Area) Regulations 2016 (of Parliament) or through the application there of section 7 of the Immigration Act 1988) which continues at the date of application
crown service	service as— (a) a member of HM Forces (as defined in the Armed Forces Act 2006 (an Act of Parliament)); or (b) an employee of the UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government; or (c) a permanent member of the British Council
date and time of withdrawal	The date on which, and the time (according to GMT) on that day at which the United Kingdom withdraws from the European Union
date of application	the date on which the application is submitted under the required application process, which means— (a) in the case of an application made outside of the UK and Islands, the date on which the relevant on-line application form is submitted online; or (b) in the case of an application made within the Isle of Man — (i) where it is submitted in person to the Immigration Service address specified on the form, the date on which it is delivered; (ii) where it is sent by pre-paid post, the date as shown on the tracking information provided by the carrier or, if not tracked, by the postmark date on the envelope; or (ii) where it is sent by courier, or other postal services provider, the date on which it is delivered to the Immigration Service address specified on the form
dependent parent	the direct relative in the ascending line of a relevant EEA citizen (or of a qualifying British citizen) or of his or her spouse or civil partner in addition—

	<p>(a) ‘direct relative in the ascending line’ includes—</p> <p>(i) a grandparent or great-grandparent; and</p> <p>(ii) an adoptive parent of an adopted child; and</p> <p>(b) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a)(i) of the entry for ‘family member of a qualifying British citizen’ or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table; and</p> <p>(c) the dependence of the direct relative in the ascending line on the relevant EEA citizen (or on the qualifying British citizen) – where the relevant EEA citizen or the qualifying British citizen is not a person under the age of 18 years, or on his or her spouse or civil partner, is assumed</p>
dependent relative	<p>(a) a relative of his or her sponsor but not the sponsor’s spouse, civil partner, durable partner, child or dependent parent; and the relative is, or (as the case may be) for the relevant period was, a dependant of the sponsor, a member of his or her household or in strict need of his or her personal care on serious health grounds; and</p> <p>(b) the person holds a relevant document as the dependent relative of his or her sponsor for the period of residence relied upon</p> <p>‘sponsor’ means here—</p> <p>(a) a relevant EEA citizen who has been or is being granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix (or who would be granted that leave, if they made a valid application under this Appendix); or</p> <p>(b) the spouse or civil partner of such a relevant EEA citizen, where the application for that relevant document was made before 15 March 2019; or</p> <p>(c) a qualifying British citizen</p>
deportation order	<p>as the case may be—</p> <p>(a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 33(3) of the EEA Regulations; or</p> <p>(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act (in respect of</p>

	<p>conduct after the specified date, or conduct committed before that date where the Minister has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person, except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain”; and for “an EEA decision” read “a deportation decision”)</p>
<p>documented right of permanent residence</p>	<p>the Minister is satisfied from the information available to him or her that—</p> <p>(a) (i) the person has been issued by the Minister with a document certifying a right of permanent residence under regulation 20 of the EEA Regulations; and</p> <p>(ii) this document is not invalid under regulation 20(3)(c); and</p> <p>(iii) this document has not been revoked, and its renewal has not been refused, under regulation 25 (except where the revocation or refusal occurred because the person had been absent from the UK and Islands for a period of more than 2, and no more than 5, consecutive years); and</p> <p>(iv) the person’s right to reside has not been cancelled under regulation 26; or</p> <p>(b) the person has been issued by the Secretary of State with a document certifying permanent residence or a permanent residence card (and that permanent residence card was issued or renewed within the last 10 years) under regulation 19 of the Immigration (European Economic Area) Regulations 2016 (of Parliament), or with a residence permit or residence document under the Immigration (European Economic Area) Order 1994 (of Parliament) endorsed to show permission to remain in the UK indefinitely, and this evidence has not been revoked, invalidated or cancelled; or</p> <p>(c) the person has been given notice in writing under paragraphs 256 to 257A of the Immigration Rules of the Bailiwick of Guernsey showing that they may remain indefinitely, and this notice has not been revoked or otherwise ceased to be effective; or</p> <p>(d) the person has been issued by the relevant Minister with a</p>

	document in accordance with paragraphs 255 to 258 of the Immigration Rules of the Bailiwick of Jersey in an appropriate form certifying permanent residence or a permanent residence card, and this document or card has not been revoked or otherwise ceased to be effective
durable partner	<p>(a) the person is, or (as the case may be) for the relevant period was, in a durable relationship with a relevant EEA citizen (or with a qualifying British citizen), with the couple having lived together in a relationship akin to a marriage or civil partnership for at least 2 years (unless there is other significant evidence of the durable relationship); and</p> <p>(b) the person holds a relevant document as the durable partner of the relevant EEA citizen (or of the qualifying British citizen) for the period of residence relied upon, unless the date of application is after 31 December 2020 and the person was resident outside the UK and Islands at that date; and</p> <p>(c) it is, or (as the case may be) for the relevant period was, not a durable partnership of convenience; and</p> <p>(d) neither party has, or (as the case may be) for the relevant period had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the Isle of Man or the UK or Channel Islands based on that person's relationship with that party</p> <p>in addition, to meet condition 6 in the table in paragraph EU11 of this Appendix, the above requirements are to be met with reference to the period immediately before the death of the relevant EEA citizen rather than to the date of application</p>
educational course	a general educational course, apprenticeship or vocational training course, as provided by regulation 12(7) of the EEA Regulations
EEA Regulations	the Immigration (European Economic Area) Regulations 2019 (as they have effect at the date of application or as they had effect immediately before they were revoked)
EEA citizen	a person who is—

	<p>(a) (i) a national of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and</p> <p>(ii) not also a British citizen; or</p> <p>(b) a relevant naturalised British citizen</p>
evidence of birth	<p>(a) (in the case of a child) the full birth certificate(s) or other document(s) which the Minister is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen (or of the qualifying British citizen) or of his or her spouse or civil partner, as described (as the case may be) in sub-paragraph (a)(i) of the entry for ‘family member of a qualifying British citizen’ or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table; or</p> <p>(b) (in the case of a dependent parent) the full birth certificate(s) or other document(s) which the Minister is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen (or of the qualifying British citizen) or of his or her spouse or civil partner, as described in sub-paragraph (a) above</p>
exclusion decision	<p>a direction given by the Minister that a person must be refused entry to the Isle of Man on the ground that that person’s presence in the Isle of Man would not be conducive to the public good—</p> <p>(a) in respect of conduct committed after the specified date; or</p> <p>(b) in respect of conduct committed before the specified date, where the Minister is satisfied that the direction is justified on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that in regulation 28 for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain” ; and for “an EEA decision” read “an exclusion direction”</p>
exclusion order	an order made under regulation 24(5) of the EEA Regulations
family member of a	a person who has satisfied the Minister, including by the required

<p>qualifying British citizen</p>	<p>evidence of family relationship, that—</p> <p>(a) they have (or, as the case may be, had) returned to the Isle of Man—</p> <p>(i) before 23:00 GMT on 29 March 2022, as the spouse or civil partner of a qualifying British citizen, and—</p> <p>(aa) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or</p> <p>(bb) the applicant was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of ‘durable partner’ in this table being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; or</p> <p>(ii) (where sub-paragraph (a)(i)(bb) does not apply) before 23:00 GMT on 31 December 2020, as the spouse or civil partner of a qualifying British citizen, and the marriage was contracted or the civil partnership was formed after the date and time of withdrawal; or</p> <p>(iii) before 23:00 GMT on 29 March 2022, as the durable partner of a qualifying British citizen, and—</p> <p>(aa) the partnership was formed and was durable before the date and time of withdrawal; and</p> <p>(bb) the partnership remains durable at the date of application; or</p> <p>(iv) before 23:00 GMT on 31 December 2020, as the durable partner of a qualifying British citizen, and—</p> <p>(aa) the partnership was formed and was durable after the date and time of withdrawal; and</p> <p>(bb) the partnership remained durable at the date of application; or</p> <p>(v) before 23:00 GMT on 29 March 2022, as the child or dependent parent of a qualifying British citizen; or</p> <p>(vi) before 23:00 GMT on 29 March 2022, as the child or dependent parent of the spouse or civil partner of a qualifying British citizen, as described in sub-paragraph (i)</p>
-----------------------------------	--

	<p>above; or</p> <p>(vii) before 23:00 GMT on 31 December 2020, as the child or dependent parent of the spouse or civil partner of a qualifying British citizen, as described in sub-paragraph (ii) above; or</p> <p>(viii) before 23:00 GMT on 31 December 2020, as the dependent relative of a qualifying British citizen and that family relationship and the person’s dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the applicant returned to the Isle of Man with the qualifying British citizen; and</p> <p>(b) they satisfied the conditions in regulation 10(2), (3) and (4)(a) of the EEA Regulations (as the family member (“F”) to whom those provisions refer) or, as the case may be, the conditions in regulation 10(1A)(b), (2), (3) and (4)(a) of the EEA Regulations (as the extended family member (“EFM”) to whom those provision refer), immediately before (in either case) returning to the Isle of Man with the qualifying British citizen (who is to be treated as the British citizen (“BC”) to whom those provisions refer)</p>
<p>family member of a relevant EEA citizen</p>	<p>a person who has satisfied the Minister, including by the required evidence of family relationship, that they are (and for the relevant period have been), or (as the case may be) for the relevant period (or at the relevant time) they were—</p> <p>(a) the spouse or civil partner of a relevant EEA citizen, and—</p> <p>(i) the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p>(ii) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of 'durable partner' in this table being met before that date rather than at the date of application) and the partnership has remained durable at the specified date; or</p> <p>(b) the durable partner of a relevant EEA citizen, and—</p> <p>(i) the partnership was formed and was durable before the specified date; and</p>

	<p>(ii) the partnership remains durable at the date of application (or it did so for the relevant period or immediately before the death of the relevant EEA citizen); or</p> <p>(c) the child or dependent parent of a relevant EEA citizen; or</p> <p>(d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in subparagraph (a) above; or</p> <p>(e) resident in the Isle of Man before the specified date as the dependent relative of a relevant EEA citizen (or of his or her spouse or civil partner, where the application for the relevant document referred to in the entry for ‘dependent relative’ in this table was made before 15 March 2019) and that family relationship and the person’s dependency (or, as the case may be, his or her membership of the household or his or her strict need for personal care on serious health grounds) existed before the specified date (or, as the case may be, before 15 March 2019)</p>
<p>family member who has retained the right of residence</p>	<p>a person who has satisfied the Minister, including by the required evidence of family relationship, that the requirements set out in one of sub-paragraphs (a) to (d) below are met—</p> <p>(a) the applicant is an EEA citizen or non-EEA citizen who—</p> <p>(i) was the family member of a relevant EEA citizen (or of a qualifying British citizen) and that person died; and</p> <p>(ii) was resident as the family member of a relevant EEA citizen (or of a qualifying British citizen) for a continuous qualifying period in the Isle of Man of at least a year immediately before the death of that person; or</p> <p>(b) the applicant is an EEA citizen or non-EEA citizen who—</p> <p>(i) is the child of—</p> <p>(aa) a relevant EEA citizen (or of a qualifying British citizen) who has died or of his or her spouse or civil partner immediately before his or her death; or</p> <p>(bb) a person who ceased to be a relevant EEA citizen (or a qualifying British citizen) on ceasing to reside in the Isle of Man or of his or her spouse or civil partner at that point; and</p> <p>(ii) was attending an educational course in the Isle of Man immediately before the relevant EEA citizen (or the</p>

	<p>qualifying British citizen) died or ceased to be a relevant EEA citizen (or a qualifying British citizen), and continues to attend such a course; or</p> <p>(c) the applicant is an EEA citizen or non-EEA citizen who is the parent who has residence of a child who meets the requirements of sub-paragraph (b); or</p> <p>(d) the applicant (“A”) is an EEA citizen or non-EEA citizen who—</p> <ul style="list-style-type: none">(i) ceased to be a family member of a relevant EEA citizen (or a qualifying British citizen) on the termination of the marriage or civil partnership of A; for the purposes of this provision, where, after the initiation of the proceedings for that termination, that relevant EEA citizen ceased to be a relevant EEA citizen (or that qualifying British citizen ceased to be a qualifying British citizen), they will be deemed to have remained a relevant EEA citizen (or, as the case may be, a qualifying British citizen) until that termination; and(ii) was resident in the Isle of Man at the date of the termination; and(iii) one of the following applies—<ul style="list-style-type: none">(aa) prior to the initiation of the proceedings for the termination of the marriage or the civil partnership, the marriage or civil partnership had lasted for at least 3 years and the parties to the marriage or civil partnership had been resident for a continuous qualifying period in the Isle of Man of at least one year during its duration; or(bb) A has residence of a child of the relevant EEA citizen (or the qualifying British citizen); or(cc) A has the right of access to a child of the relevant EEA citizen (or the qualifying British citizen), where the child is under the age of 18 years and where a court has ordered that such access must take place in the Isle of Man; or(dd) the continued right of residence in the Isle of Man of A is warranted by particularly difficult circumstances, such as where A or another family member has been a victim of domestic violence or abuse whilst the marriage
--	---

	or civil partnership was subsisting
full birth certificate	a birth certificate recognised in the Isle of Man or in the UK or Channel Islands which records the name of the mother and (where registered) the father
GMT	Greenwich Mean Time
immigration status in the Isle of Man or the UK or Channel Islands	indefinite or limited leave to enter or remain in the Isle of Man or the UK or Channel Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the Isle of Man or the right of permanent residence in the Isle of Man under regulations 15 to 17 of the EEA Regulations; or the entitlement to reside in the UK or Channel Islands, either under the Immigration (European Economic Area) Regulations 2016 (of Parliament) or through the application there of section 7(1) of the Immigration Act 1988
Irish citizen	A person who is an Irish citizen as a matter of Irish law
non-EEA citizen	a person who is not an EEA citizen and is not a British citizen
person who has ceased activity	<p>the person—</p> <p>(a) has terminated activity as a worker or self-employed person in the Isle of Man and either reached the age of entitlement to a state pension on terminating that activity or, in the case of a worker, ceased working to take early retirement; and immediately before that termination, was a worker or self-employed person in the Isle of Man for at least 12 months and resided in the UK and Islands for a continuous qualifying period of more than 3 years; or</p> <p>(b) stopped being a worker or self-employed person in the Isle of Man owing to permanent incapacity to work, having resided in the UK and Islands for a continuous qualifying period of more than the preceding 2 years or the incapacity having resulted from an accident at work or an occupational disease that entitles the person to a pension payable in full or in part by an institution in the Isle of Man; or</p> <p>(c) resided for a continuous qualifying period in the UK and Islands of at least 3 years as a worker or self-employed person, immediately before becoming a worker or self-employed person in a country listed in the entry for 'EEA citizen' in this table, while</p>

	<p>retaining a place of residence in the Isle of Man to which they return, as a rule, at least once a week</p> <p>in addition, the conditions as to length of residence and of employment in sub-paragraphs (a) and (b) above do not apply where the Minister is satisfied, including by the required evidence of family relationship, that the relevant EEA citizen is the spouse or civil partner of a British citizen (substituting ‘British citizen’ for ‘relevant EEA citizen’ in the entry for, as the case may be, ‘spouse’ or ‘civil partner’ in this table)</p>
<p>person who had a derivative or Zambrano right to reside</p>	<p>a person who was a person with a derivative right to reside, or as the case may be, a person with a Zambrano right to reside, immediately before they became, as the case may be, a relevant EEA citizen, a family member of a relevant EEA citizen, a person with a derivative right to reside, a person with a Zambrano right to reside or a family member of a qualifying British citizen, and they have since remained, to the date of application, in any (or any combination) of those categories or as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen or with a qualifying British citizen</p>
<p>person with a derivative right to reside</p>	<p>a person who has satisfied the Minister, including (where applicable) by the required evidence of family relationship, that by the specified date, they are (and for the relevant period have been), or (as the case may be) for the relevant period were, resident for a continuous qualifying period in the Isle of Man in the Isle of Man with a derivative right to reside by virtue of regulation 18(1) of the EEA Regulations—</p> <p>(a) regardless of whether, in respect of the criterion in regulation 18(2)(b)(ii) of the EEA Regulations, the EEA citizen meets, or (as the case may be) met, the requirement in regulation 5(1)(c)(ii) of the EEA Regulations for comprehensive sickness insurance cover in the Isle of Man; and</p> <p>(b) regardless (where the person was previously granted limited leave to enter or remain under this Appendix as a person with a derivative right to reside and was under the age of 18 years at the date of application for that leave) of whether, in respect of the criterion in regulation 18(6)(a) of the EEA Regulations, they are, or (as the case may be) were, under the age of 18 years; and</p>

	<p>(c) excluding a person satisfying the criteria in—</p> <ul style="list-style-type: none"> (i) paragraph (5) of regulation 18(1) of the EEA Regulations; or (ii) paragraph (6) of that regulation where that person’s primary carer is, or (as the case may be) was, entitled to a derivative right to reside in the Isle of Man under paragraph (5)
<p>person with a Zambrano right to reside</p>	<p>a person who has satisfied the Minister, including (where applicable) by the required evidence of family relationship, that, by the specified date, they are (and for the relevant period have been), or (as the case may be) for the relevant period were;</p> <p>(a) resident for a continuous qualifying period in the Isle of Man with a derivative right to reside by virtue of regulation 18(1) of the EEA Regulations, by satisfying the criteria in—</p> <ul style="list-style-type: none"> (i) paragraph (5) of that regulation; or (ii) paragraph (6) of that regulation where that person’s primary carer is, or (as the case may be) was, entitled to a derivative right to reside in the Isle of Man under paragraph (5), regardless (where the person was previously granted limited leave to enter or remain under this Appendix as a person with a Zambrano right to reside and was under the age of 18 years at the date of application for that leave) of whether in respect of the criterion in regulation 18(6)(a) of the EEA Regulations, they are, or (as the case may be) were, under the age of 18 years; and <p>(b) without leave to enter or remain in the isle of Man granted under another part of these Rules</p>
<p>qualifying British citizen</p>	<p>a British citizen who—</p> <p>(a) has (or, as the case may be, for the relevant period had) returned to the Isle of Man with the applicant—</p> <ul style="list-style-type: none"> (i) (where sub-paragraph (a)(ii) below does not apply) before 23:00 GMT on 29 March 2022; or (ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for ‘family member of a qualifying British citizen’ in this table) before 23:00 GMT on 31

	<p>December 2020; and</p> <p>(b) satisfied regulation 10(2), (3) and (4)(a) of the EEA Regulations (as the British citizen (“BC”) to whom those provisions refer) immediately before returning to the Isle of Man with the applicant (who is to be treated as the family member (“F”) or, as the case may be, as the extended family member (“EFM”), to whom those provisions refer; and</p> <p>(c) was continuously resident in the Isle of Man in accordance with regulation 4 of the EEA Regulations throughout any period on which the applicant relies as being present in the Isle of Man by virtue of being a family member of a qualifying British citizen</p>
relevant document	<p>(a) a family permit, document certifying an extended right of residence, document certifying permanent residence or document certifying a derivative right of residence issued by the Isle of Man under the EEA Regulations (or the equivalent document or other evidence issued by the UK or Channel Islands under the relevant legislation there evidencing the entitlement to enter or reside or a right of permanent residence, either under the Immigration (European Economic Area) Regulations 2016 (of Parliament) or through the application there of section 7(1) of the Immigration Act 1988; and</p> <p>(b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or had ceased; and</p> <p>(c) it has not expired or otherwise ceased to be effective and it remained valid for the period of residence relied upon</p>
relevant EEA citizen	<p>(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above—</p> <p style="padding-left: 40px;">(i) has been or is being granted indefinite leave to enter or remain under this Appendix (or under its equivalent in the UK or Channel Islands); or</p> <p style="padding-left: 40px;">(ii) would be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under</p>

	<p>it; or</p> <p>(c) where the applicant is a family member of a relevant naturalised British citizen, an EEA citizen in accordance with sub-paragraph (b) of that entry in this table</p>
relevant naturalised British citizen	<p>(a) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above, would, but for the fact that they are a British citizen, be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under it; and in either case also—</p> <p>(c) comes within paragraph (b) of the definition of “EEA national” in regulation 3(3) of the EEA Regulations; and</p> <p>(d) meets the criteria contained in regulation 11(2) or (3) as the dual national (“DN”) to whom those provisions refer (regardless of whether, save in condition 5 and 6 in the table in paragraph EU11 of this Appendix, they remained a qualified person under regulation 7 of the EEA Regulations after they acquired British citizenship)</p>
required application process	<p>(a) for applications made within the Isle of Man the required paper application form posted on the Immigration Service webpage on the Isle of Man Government website https://www.gov.im/immigration and the relevant process set out in that form for—</p> <p style="padding-left: 40px;">(i) providing the required proof of identity and nationality; and</p> <p style="padding-left: 40px;">(ii) providing the required biometrics; or</p> <p>(b) for applications made from outside the UK and Islands, the relevant on-line application form found on the Gov.uk website and the relevant process set out in that form for—</p> <p style="padding-left: 40px;">(i) providing the required proof of identity and nationality and (as the case may be) the required proof of entitlement to apply from outside the UK and Islands; and</p> <p style="padding-left: 40px;">(ii) providing the required biometrics</p>

	<p>(c) for applications made from outside the UK and Islands where a paper application form has been issued individually to the applicant by the Secretary of State, via the relevant process for this set out on the gov.uk website, and a relevant process set out in that form for—</p> <p>(i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK and Islands; and</p> <p>(ii) providing the required biometrics</p>
required biometrics	a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of the UK Borders Act 2007) provided in accordance with the required application process
required evidence of family relationship	<p>in the case of—</p> <p>(a) a spouse without a documented right of permanent residence – a relevant document as the spouse of the relevant EEA citizen (or of the qualifying British citizen), or a valid document of record of a marriage recognised under the law of the Isle of Man or under the laws of England and Wales, Scotland, Northern Ireland or the Channel Islands;</p> <p>(b) a civil partner without a documented right of permanent residence - a relevant document as the civil partner of the relevant EEA citizen (or of the qualifying British citizen); a valid civil partnership certificate recognised under the law of the Isle of Man or under the laws of England and Wales, Scotland, Northern Ireland or the Channel Islands; or a valid overseas registration document for a same sex relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2011 or under any equivalent legislation in the UK or Channel Islands;</p> <p>(c) a child without a documented right of permanent residence – a relevant document issued on the basis of the relevant family relationship or his or her evidence of birth and, where the applicant is aged 21 years or over and was not previously granted limited leave to enter or remain under this Appendix (or under its equivalent in the UK or Channel Islands) as a child, evidence which satisfies the Minister that sub-paragraph (b)(ii) of the entry for “child” in this table is met;</p> <p>(d) a dependent parent without a documented right of permanent</p>

residence – a relevant document issued on the basis of the relevant family relationship or his or her evidence of birth;

(e) a durable partner –

(i) a relevant document as the durable partner of the relevant EEA citizen (or of the qualifying British citizen) and, unless this confirms the right of permanent residence in the Isle of Man under regulation 17 of the EEA Regulations (or the right of permanent residence in the UK or Channel Islands under the Immigration (European Economic Area) Regulations 2016 of Parliament) or through the application there of section 7(1) of the Immigration Act 1988), evidence which satisfies the Minister that the durable partnership continues to subsist (or did so for the period relied upon); or

(ii) where the applicant is seeking to come to the Isle of Man after 31 December 2020, evidence which satisfies the Minister that the partnership was formed and was durable before that date and that the partnership remains durable, or

(f) a dependent relative – a relevant document as the dependent relative of his or her sponsor (in the entry for ‘dependent relative’ in this table) and, unless this confirms the right of permanent residence in the Isle of Man under regulation 17 of the EEA Regulations (or the right of permanent residence in the UK or Channel Islands under the Immigration (European Economic Area) Regulations 2016 of (Parliament) or through the application there of section 7(1) of the Immigration Act 1988), evidence which satisfies the Minister that the relationship continues to subsist (or did so for the period of residence relied upon)

in addition –

(a) where the eligibility requirements to be met for leave to be granted under this Appendix relate to the death of a person, the required evidence of family relationship must include his or her death certificate or other evidence which the Minister is satisfied evidences the death; and

(b) where the applicant is a non-EEA citizen without a documented right of permanent residence, or is an EEA citizen without a documented right of permanent residence who relies on being (or, as the case may be, for the relevant period on having been) a family member of a qualifying British citizen, a family

member of a relevant EEA citizen or a family member who has retained the right of residence, the required evidence of family relationship must include—

(i) the following proof of identity and nationality of (as the case may be) the relevant EEA citizen, or the qualifying British citizen, of whom the applicant is (or, as the case may be, for the relevant period was) a family member—

(aa) (in the case of a relevant EEA citizen who is not a relevant naturalised British citizen or of a qualifying British citizen) their valid passport (and ‘valid’ here and in sub-paragraph (bb) means that the document is genuine and has not expired or been cancelled or invalidated); or

(bb) (in the case of a relevant EEA citizen who is not a relevant naturalised British citizen) their valid national identity card or confirmation that they have been or are being granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or

(cc) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen) the evidence required by sub-paragraph (aa) or (bb), and information or evidence which is provided by the applicant, or is otherwise available to the Minister, which satisfies the Minister that the person is a British citizen,

unless (in any case) the Minister agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond his or her control or to compelling practical or compassionate reasons; and

(ii) evidence which satisfies the Minister that—

(aa) where the applicant is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen, either that EEA citizen is (or, as the case may be for the relevant period was) a relevant EEA citizen as described in sub-paragraph (a) in the entry for ‘relevant EEA citizen’ in this table, and is (or, as the case may be, was) such a relevant EEA citizen throughout any

	<p>continuous qualifying period on which the applicant relies as being a family member of a relevant EEA citizen; or that EEA citizen is a relevant EEA citizen as described in sub-paragraph (b) or (c) in the entry for ‘relevant EEA citizen’ in this table; or</p> <p>(bb) where the applicant is (or, as the case may be, for the relevant period was) a family member of a qualifying British citizen, that British citizen is (or, as the case may be, for the relevant period was) a qualifying British citizen throughout any continuous qualifying period on which the applicant relies as being a family member of a qualifying British citizen; and</p> <p>(c) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document the Minister can require the applicant to submit the original document where the Minister has reasonable doubt as to the authenticity of the copy submitted</p>
<p>required proof of entitlement to apply from outside the UK and Islands</p>	<p>(a) in the case of an EEA citizen—</p> <p>(i) his or her valid passport; or</p> <p>(ii) his or her valid national identity card, where this contains an interoperable biometric chip;</p> <p>unless the Minister agrees to accept alternative evidence of entitlement to apply from outside the Isle of Man where the applicant is unable to obtain or produce the required document due to circumstances beyond his or her control or to compelling practical or compassionate reasons; or</p> <p>(b) in the case of a non-EEA citizen, his or her valid specified relevant document,</p> <p>unless the Minister agrees to accept alternative evidence of entitlement to apply from outside the UK and Islands where the applicant is unable to obtain or produce the required document due to circumstances beyond his or her control or to compelling practical or compassionate reasons</p> <p>in addition, ‘valid’ here means that the document is genuine and has not expired or been cancelled or invalidated</p>
<p>required proof of</p>	<p>(a) in the case of an EEA citizen making an application within the</p>

identity and nationality	<p>Isle of Man—</p> <p>(i) his or her valid passport; or</p> <p>(ii) his or her valid national identity card; or</p> <p>(b) in the case of a non-EEA citizen making an application within the Isle of Man—</p> <p>(i) his or her valid passport; or</p> <p>(ii) his or her valid specified relevant document; or</p> <p>(iii) his or her valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007),</p> <p>unless (in the case of (a) or (b)) the Minister agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond his or her control or to compelling practical or compassionate reasons</p> <p>in addition, “valid” here means that the document is genuine and has not expired or been cancelled or invalidated</p>
residence of a child	<p>the child normally lives with the applicant or does so part of the time, and includes arrangements agreed informally and those which are subject to a court order for determining with whom the child is to live and when</p>
self-employed person	<p>there is evidence which satisfies the Minister that the person is, or (as the case may be) for the relevant period was, either—</p> <p>(a) a self-employed person as defined in regulation 5(1) of the EEA Regulations; or</p> <p>(b) a person who is or was no longer in self-employment but who continues or continued to be treated as a self-employed person within the meaning of "qualified person" under regulation 7 of the EEA Regulations</p>
specified date	<p>(a) if the United Kingdom withdraws from the European Union with a Withdrawal Agreement—</p> <p>(i) (where sub-paragraph (a)(ii) does not apply) 23:00 GMT on 31 December 2020; or</p> <p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or</p>

	<p>(a)(vi) of the entry for ‘family member of a qualifying British citizen’ in this table) 23:00 on 29 March 2022 in the reference to specified date in sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes of the references to continuous qualifying period in—</p> <ul style="list-style-type: none"> - condition 3 in the table in paragraph EU12 of this Appendix; - condition 2 in the table in paragraph EU 14 of this Appendix; - sub-paragraphs (a) and (d) of the entry for ‘family member who has retained the right of residence’ in this table; and -sub-paragraph (a) of the entry for ‘supervening event’ in this table; or <p>(b) if the United Kingdom withdraws from the European Union without a Withdrawal Agreement—</p> <p>(i) the date and time of withdrawal in the references to specified date in—</p> <ul style="list-style-type: none"> - condition 7 in the table in paragraph EU11 of this Appendix; - paragraph EU16(c)(ii)(bb) of this Appendix; - (where sub-paragraph (b)(ii) or (b)(iii) does not apply) sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table; - the entry for “deportation order” in this table; - the entry for “exclusion decision” in this table; - sub-paragraphs (a), (b) and (e) of the entry for “family member of a relevant EEA citizen” in this table; - the entry for “person with a derivative right of residence” in this table; - the entry for “person with a Zambrano right of residence” in this table; - sub-paragraph (a) of the entry for “relevant EEA citizen” in this table; and - the entry for “UK or CI deportation order” and for “UK or
--	--

	<p>CI exclusion decision” in this table; or</p> <p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for ‘family member of a qualifying British citizen’ in this table) 23:00 GMT on 31 December 2020 in the reference to specified date in sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes of the references to continuous qualifying period in—</p> <ul style="list-style-type: none"> - condition 3 in the table in paragraph EU12 of this Appendix; - condition 2 in the table in paragraph EU14 of this Appendix; - sub-paragraphs (a) and (d) of the entry for ‘family member who has retained the right of residence’ in this table; and - sub-paragraph (a) of the entry for ‘supervening event’ in this table; or <p>(iii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for ‘family member of a qualifying British citizen’ in this table) 23:00 GMT on 29 March 2022 in the reference to specified date in sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes to which sub-paragraph (b)(ii) above refers</p>
<p>specified relevant document</p>	<p>within the meaning of 'relevant document' in the relevant entry in this table, a document certifying an extended right of residence or a document certifying a permanent right of residence issued by the Isle of Man under the EEA Regulations</p>
<p>spouse</p>	<p>(a) the person is, or (as the case may be) for the relevant period was, party to a marriage with a relevant EEA citizen (or with a qualifying British citizen) and the marriage is recognised under the law of the Isle of Man or under the laws of England and Wales, Scotland, Northern Ireland or the Channel Islands; and</p> <p>(b) it is, or (as the case may be) for the relevant period was, not a marriage of convenience; and</p>

	<p>(c) neither party has, or (as the case may be) for the relevant period had, another spouse, a civil partner or an durable partner with (in any of those circumstances) immigration status in the Isle of Man or in the UK or Channel Islands based on that person's relationship with that party</p>
<p>supervening event</p>	<p>at the date of application—</p> <p>(a) the applicant has been absent from the UK and Islands for a period of more than 5 consecutive years (at any point since they last acquired the right of permanent residence in the Isle of Man under regulation 17 of the EEA Regulations, or the right of permanent residence in the UK or Channel Islands under the Immigration (European Economic Area) Regulations 2016 (of Parliament) or through the application there of section 7(1) of the Immigration Act 1988, or since they last completed a continuous qualifying period of 5 years); or</p> <p>(b) any of the following events has occurred, unless it has been set aside or no longer has effect in respect of the person—</p> <p>(i) any decision or order to exclude or remove under regulation 24 or 33 of the EEA Regulations (or under the equivalent provisions of the Immigration (European Economic Area) Regulations 2016 (of Parliament)); or</p> <p>(ii) a decision to which regulation 17(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 25(1) of the EEA Regulations (or the equivalent decision, subject to the equivalent qualification, under the Immigration (European Economic Area) Regulations 2016 (of Parliament)); or</p> <p>(iii) an exclusion decision; or</p> <p>(iv) a deportation order, other than by virtue of the EEA Regulations; or</p> <p>(v) a UK or CI deportation order; or</p> <p>(vi) a UK or CI exclusion decision</p>
<p>termination of the marriage or civil partnership</p>	<p>the date on which the order finally terminating the marriage or civil partnership is made by a court</p>

UK and Islands	the United Kingdom, the Isle of Man and the Channel Islands taken together
UK or CI deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971, except for such an order that was made in respect of conduct committed before the specified date (unless the Minister is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain” ; and for “an EEA decision” read “an exclusion direction”)
UK or CI exclusion decision	a direction given by the relevant authority in the UK or Channel Islands that a person must be refused entry to the jurisdiction concerned on the grounds that that person’s presence there would not be conducive to the public good, except for such direction made in respect of conduct committed before the specified date (unless the Minister is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain” ; and for “an EEA decision” read “an exclusion direction”)
UK or the Channel Islands	the United Kingdom or the Bailiwick of Jersey or the Bailiwick of Guernsey
valid evidence of his or her indefinite leave to enter or remain	<p>(a) a valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007), a valid stamp or endorsement in a passport (whether or not the passport has expired) or other valid document issued by the Minister, Home Office or relevant Channel Island Authority, confirming that the applicant has indefinite leave to enter or remain in the Isle of Man or in the UK or Channel Islands, which has not lapsed or been revoked or invalidated; or</p> <p>(b) the Minister is otherwise satisfied from the evidence or information available to him or her that the applicant has indefinite leave to enter or remain in the Isle of Man or in the UK</p>

	or Channel Islands, which has not lapsed or been revoked or invalidated
worker	there is evidence which satisfies the Minister that the person is, or (as the case may be) for the relevant period was, either – (a) a worker as defined in regulation 5(1) of the EEA Regulations; or (b) a person who is or was no longer working but who continues or continued to be treated as a worker within the meaning of “qualified person” under regulation 7 of the EEA Regulations

Annex 2 – Consideration of a valid application

A2.1. A valid application made under this Appendix will be decided on the basis of –

- (a) the information and evidence provided by the applicant, including in response to any request for further information or evidence made by the Minister; and
- (b) any other information or evidence made available to the Minister (including from other government departments) at the date of decision.

A2.2. (a) For the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain, the Minister may invite the applicant to –

- (i) provide further information or evidence that he or she meet those requirements; or
- (ii) be interviewed by the Minister in person, or by telephone.

(b) If the applicant purports to meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the basis of a relationship with another person (“P”), including where P is a qualifying British citizen, the Minister may invite P to –

- (i) provide information or evidence about his or her relationship with the applicant, his or hers residence in the Isle of Man or, where P is a qualifying British citizen, his or hers residence in a country listed in the entry for “EEA citizen” in the table at Annex 1 to this Appendix; or
- (ii) be interviewed by the Minister in person, by telephone.

(c) If the applicant or P (as the case may be) –

- (i) fails to provide the information or evidence requested; or
- (ii) on at least 2 occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,

the Minister may draw any factual inferences about whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain as appear appropriate in the circumstances.

- (d) The Minister may decide following the drawing of a factual inference under subparagraph (3), that the applicant does not meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain.
- (e) The Minister must not decide that the applicant does not meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the sole basis that the applicant or P failed on at least 2 occasions to comply with an invitation to be interviewed.”.

Changes to Appendix EU (Family Permit)

EU(FP)1.1 For Appendix EU (Family Permit), substitute—

“Appendix EU (Family Permit)

Purpose

FP1. This Appendix sets out the basis on which a **non-EEA citizen** will, if he or she apply under it, be granted an entry clearance—

- (a) in the form of an EU Settlement Scheme Family Permit – to join a **relevant EEA citizen** in the Isle of Man or to accompany him or her to the Isle of Man;
or
- (b) in the form of an EU Settlement Scheme Travel Permit – to travel to the Isle of Man.

FP2. This Appendix has effect in connection with the granting of entry clearance for the purpose of acquiring leave to enter or remain in the Isle of Man by virtue of Appendix EU to these Rules.

Requirements and procedure

FP3. The applicant will be granted an entry clearance under this Appendix, valid for a period of 6 months from the date of decision, by an immigration officer or entry clearance officer where—

- (a) a valid application has been made in accordance with paragraph FP4;
- (b) the applicant meets the eligibility requirements in paragraph FP6(1) or (2);
and
- (c) the applicant is not to be refused on grounds of suitability in accordance with paragraph FP7.

- FP4. A valid application has been made under this Appendix where—
- (a) it has been made using the **required application process**;
 - (b) the **required proof of identity and nationality** has been provided; and
 - (c) the **required biometrics** have been provided.
- FP5. An application will be rejected as invalid where it does not meet the requirements in paragraph FP4 (a) and (b), and will not be considered where it does not meet the requirement in paragraph FP4(c).
- FP6. (1) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Family Permit where the immigration officer or entry clearance officer is satisfied that at the **date of application**—
- (a) the applicant is a non-EEA citizen;
 - (b) the applicant is a **family member of a relevant EEA citizen**;
 - (c) the relevant EEA citizen is resident in the Isle of Man or will be travelling to the Isle of Man within 6 months of the date of application;
 - (d) the applicant will be accompanying the relevant EEA citizen to the Isle of Man or joining him or her in the Isle of Man; and
 - (e) the applicant (“A”) is not the **spouse, civil partner or durable partner** of a relevant EEA citizen (“B”) where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under this Appendix, holds a valid EEA family permit issued under regulation 14 of the **EEA Regulations** or has been granted leave to enter or remain in the Isle of Man in that capacity under or outside the Immigration Rules.
- (2) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Travel Permit, where the entry clearance officer is satisfied that at the date of application—
- (a) the applicant is a non-EEA citizen;
 - (b) the applicant has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed or revoked and which is evidenced by the Isle of Man reference number for that grant of leave;
 - (c) the applicant—

- (i) has been issued with a relevant document by the Isle of Man under the EEA Regulations by virtue of having been granted leave under Appendix EU to these Rules; and
 - (ii) has reported to the Isle of Man Immigration Service that that document has been lost or stolen; and
- (d) the applicant will be travelling to the Isle of Man within 6 months of the date of application.
- FP7. (1) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision—
- (a) the applicant is subject to a **deportation order** or to a decision to make a deportation order; or
 - (b) the applicant is subject to an **exclusion order** or **exclusion decision**.
- (2) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision—
- (a) the applicant is subject to a **UK or CI deportation order**; or
 - (b) the applicant is subject to a **UK or CI exclusion decision**.
- (3) An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the immigration officer or entry clearance officer is satisfied that it is proportionate to refuse the application where—
- (a) in relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant an entry clearance under this Appendix; or
 - (b) (i) the applicant—
 - (aa) has previously been refused admission to the Isle of Man in accordance with regulation 24(1) of the EEA Regulations; or
 - (bb) had indefinite leave to enter or remain or limited leave to enter or remain granted under Appendix EU to these Rules (or limited leave to enter granted by virtue of having arrived in the Isle of Man with an entry clearance that was granted under this Appendix) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii) of these Rules; and
 - (ii) the refusal of the application is justified either—

(aa) on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether those Regulations apply to that person (except that in regulation 28 for “with a right of permanent residence under regulation 17” and “has a right of permanent residence” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”, and for “EEA decision” read “a decision under paragraph FP7 of Appendix EU (Family Permit) to the Immigration Rules”); or

(bb) in respect of conduct committed after the specified date, on the ground that the decision is conducive to the public good.

(4) The references in this paragraph to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on his or her application under this Appendix, has been set aside or no longer has effect in respect of the applicant.

FP8. A valid application made under this Appendix which does not meet the requirements for an entry clearance to be granted will be refused.

FP9. Annex 1 sets out the definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.

FP10. Annex 2 applies to the consideration by the immigration officer or entry clearance officer of a valid application made under this Appendix.

Annex 1 – Definitions

Term	Definition
adopted child	a child adopted in accordance with a decision taken— (a) by the competent administrative authority or court in the Isle of Man or the UK or Channel Islands; or (b) by the competent administrative authority or court in a country whose adoption orders are recognised under the law of the Isle of Man or in the UK or Channel Islands; or (c) in a particular case in which that decision in another country has been recognised in the Isle of Man or in the UK or Channel Islands as an adoption
child	(a) the direct descendant under the age of 21 years of a relevant

	<p>EEA citizen or of his or her spouse or civil partner; or</p> <p>(b) (i) the direct descendant aged 21 years or over of a relevant EEA citizen or of his or her spouse or civil partner; and</p> <p>(ii) dependent on the relevant EEA citizen or on his or her spouse or civil partner</p> <p>“dependent” here means that—</p> <p>(a) having regard to his or her financial and social conditions, or health, the applicant cannot meet his or her essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen or of his or her spouse or civil partner; and</p> <p>(b) such support is being provided to the applicant by the relevant EEA citizen or by his or her spouse or civil partner; and</p> <p>(c) there is no need to determine the reasons for that dependence or for the recourse to that support</p> <p>in addition—</p> <p>(a) ‘child’ includes—</p> <p>(i) an adopted child of; or</p> <p>(ii) a child born through surrogacy (where recognised under the law of the Isle of Man or in the UK or Channel Islands) for; or</p> <p>(iii) a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001) has been made appointing as his or her special guardian; or</p> <p>(iv) a child in respect of whom an order has been made under sections 6 or 7 of the Children and Young Persons Act 2001 appointing as his or her guardian; or</p> <p>(v) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989 (of Parliament)) is in force appointing as his or her special guardian; or</p> <p>(vi) a child in respect of whom an order has been made under section 5 of the Children Act 1989 (of Parliament) appointing as his or her guardian; or</p>
--	---

	<p>(vii) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 (of Parliament) vesting parental responsibilities and parental rights in a person who is; or</p> <p>(viii) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995 (of Parliament), or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is; or</p> <p>(ix) a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995 (of Parliament), or in respect of whom an appointment has been made under Article 160 of that Order, appointing as his or her guardian a person who is; or</p> <p>(x) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or</p> <p>(xi) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as his or her guardian,</p> <p>(as the case may be) a relevant EEA citizen or his or her spouse or civil partner, but ‘child’ does not include a child cared for by a relevant EEA citizen (or by a qualifying British citizen) or his or her spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and</p> <p>(b) ‘direct descendant’ also includes a grandchild or great-grandchild; and</p> <p>(c) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table</p>
civil partner	<p>(a) the person is in a valid civil partnership (which exists under or by virtue of the Civil Partnership Act 2011 or under any equivalent legislation in the UK or Channel Islands) or is in a same sex relationship registered overseas which is entitled to be treated as a civil partnership under that Act or under any</p>

	<p>equivalent legislation in the UK or Channel Islands, with a relevant EEA citizen; and</p> <p>(b) it is not a civil partnership of convenience; and</p> <p>(c) neither party has another civil partner, a spouse or a durable partner with (in any of those circumstances) immigration status in the Isle of Man or the UK or Channel Islands based on that person's relationship with that party</p>
<p>civil partnership of convenience</p> <p>durable partnership of convenience</p> <p>marriage of convenience</p>	<p>a marriage, civil partnership or durable partnership entered into as a means to circumvent—</p> <p>(a) any criterion the party would have to meet in order to enjoy a right to enter or reside in the Isle of Man under the EEA Regulations; or</p> <p>(b) any other provision of the immigration law of the Isle of Man or any requirement of the Immigration Rules; or</p> <p>(c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the Isle of Man under EU law; or</p> <p>(d) any criterion the party would have to meet in order to enter or reside in the UK or Channel Islands under the relevant laws</p>
date of application	The date on which the application is submitted under the required application process
dependent parent	<p>the direct relative in the ascending line of a relevant EEA citizen or of his or her spouse or civil partner</p> <p>in addition—</p> <p>(a) 'direct relative in the ascending line' includes a—</p> <p style="padding-left: 40px;">(i) grandparent or great-grandparent; and</p> <p style="padding-left: 40px;">(ii) an adoptive parent of an adopted child; and</p> <p>(b) 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a) of the entry for 'family member of a qualifying British citizen' or in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table; and</p> <p>(c) the dependence of the direct relative in the ascending line on the relevant EEA citizen (where the relevant EEA citizen is not a person under the age of 18), or on his or her spouse or civil</p>

	partner, is assumed
deportation order	<p>as the case may be—</p> <p>(a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 33(3) of the EEA Regulations; or</p> <p>(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act (in respect of conduct committed after the specified date, or conduct committed before that date where the Minister has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person, except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain”; and for “an EEA decision” read “a deportation decision”)</p>
durable partner	<p>(a) the person is, or (as the case may be) was, in a durable relationship with the relevant EEA citizen, with the couple having lived together in a relationship akin to a marriage or civil partnership for at least 2 years (unless there is other significant evidence of the durable relationship); and</p> <p>(b) (where the applicant relies on having been in the Isle of Man as the durable partner of the relevant EEA citizen before the specified date, under sub-paragraph (a)(ii) of the entry for “family member of a relevant EEA citizen” in this table) the person held a relevant document as the durable partner of the relevant EEA citizen; and</p> <p>(c) it is, (or as the case may be) was, not a durable partnership of convenience; and</p> <p>(d) neither party has, or (as the case may be) had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the Isle of Man or in the UK or Channel Islands based on that person’s relationship with that party</p>
EEA citizen	a person who is a national of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia,

	Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland, and who (unless they are a relevant naturalised British citizen) is not also a British citizen
EEA Regulations	the Immigration (European Economic Area) Regulations 2019 (as they have effect at the date of application or as they had effect immediately before they were revoked)
evidence of birth	<p>(a) (in the case of a child) the full birth certificate(s) or other document(s) which the immigration officer or entry clearance officer is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen or of his or her spouse or civil partner, as described in subparagraph (a) of the entry for “family member of a relevant EEA citizen” in this table; or</p> <p>(b) (in the case of a dependent parent) the full birth certificate(s) or other document(s) which the immigration officer or entry clearance officer is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen or of his or her spouse or civil partner, as described in subparagraph (a) above</p>
exclusion decision	<p>a direction given by the Minister that a person must be refused entry to the Isle of Man on the ground that that person’s presence in the Isle of Man would not be conducive to the public good –</p> <p>(a) in respect of conduct committed after the specified date; or</p> <p>(b) in respect of conduct committed before the specified date, where the Minister is satisfied that the direction is justified on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain” ; and for “an EEA decision” read “an exclusion direction”</p>
exclusion order	an order made under regulation 24(5) of the EEA Regulations
family member of a relevant EEA citizen	a person who has satisfied the immigration officer or entry clearance officer, including by the required evidence of family

	<p>relationship, that they are—</p> <p>(a) the spouse or civil partner of a relevant EEA citizen, and—</p> <p style="padding-left: 40px;">(i) the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p style="padding-left: 40px;">(ii) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of “durable partner” in this table being met before that date rather than at the date of application) and the partnership remained durable at the specified date; or</p> <p>(b) the durable partner of a relevant EEA citizen, and—</p> <p style="padding-left: 40px;">(i) the partnership was formed and was durable before 31 December 2020; and</p> <p style="padding-left: 40px;">(ii) the partnership remains durable at the date of application; and</p> <p style="padding-left: 40px;">(iii) the date of application is after 31 December 2020; or</p> <p>(c) the child or dependent parent of a relevant EEA citizen; or</p> <p>(d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in sub-paragraph (a) above</p>
full birth certificates	a birth certificate recognised in the Isle of Man or in the UK or Channel Islands which records the name of the mother and (where registered) the father
immigration status in the Isle of Man or the UK or Channel Islands	indefinite or limited leave to enter or remain in the Isle of Man or in the UK or Channel Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the Isle of Man or the right of permanent residence in the Isle of Man under regulations 15 to 17 of the EEA Regulations; or the entitlement to reside in the UK or Channel Islands or the right of permanent residence in the UK or Channel Islands, either under the Immigration (European Economic Area) Regulations 2016 of Parliament or through the application there of section 7(1) of the Immigration Act 1988
Irish citizen	a person who is an Irish citizen as a matter of Irish law
non-EEA citizen	a person who is not an EEA citizen and is not a British citizen
relevant document	(a) a family permit, document certifying an extended right of

	<p>residence or document certifying permanent residence issued by the Isle of Man under the EEA Regulations (or the equivalent document or other evidence issued by the UK or Channel Islands under the relevant legislation there evidencing the entitlement to enter or reside or a right of permanent residence in the UK or Channel Islands, either under the Immigration (European Economic Area) Regulations 2016 (of Parliament or through the application there of section 7(1) of the Immigration Act 1988; and</p> <p>(b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or had ceased; and</p> <p>(c) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon</p>
relevant EEA citizen	<p>an EEA citizen who—</p> <p>(a) (i) has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules (or under its equivalent in the UK or Channel Islands), which has not lapsed or been cancelled, curtailed or revoked and which is evidenced by the Isle of Man reference number for that grant of leave (or by the equivalent evidence in the UK or Channel Islands) or</p> <p>(ii) at the date of decision on the application under this Appendix, the immigration officer or entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain under Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed or revoked; or</p> <p>(iii) (in the case of an Irish citizen who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules or under its equivalent in the UK or Channel Islands) the immigration officer or entry clearance officer is satisfied, including by the required evidence of qualification, would be granted such leave under that Appendix if they made a valid application under it; or</p> <p>(b) is a relevant naturalised British citizen</p>
relevant naturalised British citizen	<p>a person who is a national of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland,</p>

	<p>France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland and who—</p> <p>(a) comes within paragraph (b) of the definition of “EEA national” in regulation 3(1) of the EEA Regulations; and</p> <p>(b) meets the criteria contained in regulation 11(2) or (3) as the dual national (“DN”) to whom those provisions refer (regardless of whether they remained a qualified person under regulation 7 of the EEA Regulations after the acquired British citizenship); and</p> <p>(c) the immigration officer or entry clearance officer is satisfied, including by the required evidence of qualification, comes within sub-paragraph (b) of the entry for ‘relevant naturalised British citizen’ in the table at Annex 1 to Appendix EU to these Rules</p>
required application process	<p>the relevant on-line application form found on gov.uk and the relevant process set out in that form for providing the required proof of identity and nationality for providing the required biometrics</p>
required biometrics	<p>(a) a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of the UK Borders Act 2007); and</p> <p>(b) the fingerprints of the applicant (also within that meaning of “biometric information”, unless, in accordance with guidance published by the Secretary of State and in force at the date of application, they are not required to provide these),</p> <p>in both cases provided in accordance with the required application process</p>
required evidence of family relationship	<p>in the case of—</p> <p>(a) a spouse - a relevant document as the spouse of the relevant EEA citizen, or a valid document of record of a marriage recognised under the law of the Isle of Man or under the equivalent laws of England and Wales, Scotland, Northern Ireland or of the Channel Islands;</p> <p>(b) civil partner – a relevant document as the civil partner of the relevant EEA citizen; a valid civil partnership certificate recognised under the law of the Isle of Man or under the</p>

	<p>equivalent laws of England and Wales, Scotland, Northern Ireland or the Channel Islands; or the valid overseas registration document for same sex relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2011 or under the equivalent laws of England and Wales, Scotland, Northern Ireland or the Channel Islands;</p> <p>(c) a child – a relevant document issued on the basis of the relevant family relationship or his or her evidence of birth and, where the applicant is aged 21 years or over, evidence which satisfies the immigration officer or the entry clearance officer that sub-paragraph (b)(ii) of the entry for “child” in this table is met;</p> <p>(d) a dependent parent – a relevant document issued on the basis of the relevant family relationship or his or her evidence of birth;</p> <p>(e) a durable partner – evidence which satisfies the immigration officer or the entry clearance officer that the durable partnership was formed and was durable by 31 December 2020 and that the partnership remains durable</p> <p>in addition, where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the entry clearance officer can require the applicant to submit the original document where the immigration officer or the entry clearance office has reasonable doubt as to the authenticity of the copy submitted</p>
<p>required evidence of qualification</p>	<p>(a) (in the case of a relevant EEA citizen who is an Irish citizen who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules or under its equivalent in the UK or Channel Islands) their passport or national identity card as an Irish citizen, which is—</p> <p style="padding-left: 40px;">(i) valid, which here and in sub-paragraph (b)(i)(aa) means that the document is genuine and has not expired or been cancelled or invalidated, and</p> <p style="padding-left: 40px;">(ii) the original document and not a copy; or</p> <p>(b) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen)—</p> <p style="padding-left: 40px;">(i) their passport or national identity card as an EEA citizen,</p>

	<p>which is—</p> <p>(aa) valid; and</p> <p>(bb) the original document and not a copy; and</p> <p>(ii) information or evidence which is provided by the applicant, or is otherwise available to the immigration officer or entry clearance officer, which satisfies the immigration officer or entry clearance officer that the relevant EEA citizen is a British citizen; and (in either case);</p> <p>(c) information evidence which satisfies the immigration officer or entry clearance officer that—</p> <p>(i) (in the case of a relevant EEA citizen who is an Irish citizen) they would be granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, if they made a valid application under it; or</p> <p>(ii) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen) they would (but for the fact that they are a British citizen) be granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, if they made a valid application under it</p> <p>in addition, where, in order to meet the requirements of subparagraph (b)(ii) or (c), the applicant submits a copy (and not the original) of a document, the immigration officer or entry clearance officer can require the applicant to submit the original document where the immigration officer or entry clearance officer has reasonable doubt as to the authenticity of the copy submitted</p>
<p>required proof of identity and nationality</p>	<p>the valid passport of the applicant</p> <p>“valid” means that the document is genuine and has not expired or been cancelled or invalidated</p>
<p>specified date</p>	<p>(a) if the United Kingdom withdraw from the European Union with a Withdrawal Agreement, 23:00 GMT on 31 December 2020; or</p> <p>(b) if the United Kingdom withdraws from the European Union without a Withdrawal Agreement, the date, and the time</p>

	(according to Greenwich Mean Time) on that day, of withdrawal
spouse	<p>(a) the person is party to a marriage with a relevant EEA citizen and the marriage is recognised under the law of the Isle of Man or under the equivalent laws of England and Wales, Scotland, Northern Ireland or the Channel Islands; and</p> <p>(b) it is not a marriage of convenience; and</p> <p>(c) neither party has another spouse, a civil partner or a durable partner with (in any of those circumstances) immigration status in the Isle of Man or England and Wales, Scotland, Northern Ireland or the Channel Islands based on that person’s relationship with that party</p>
UK or CI deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971, except for such an order that was made in respect of conduct committed before the specified date (unless the Minister is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain” ; and for “an EEA decision” read “an exclusion direction”)
UK or CI exclusion decision	a direction given by the relevant authority in the UK or Channel Islands that a person must be refused entry to the UK or Channel Islands on the ground that that person’s presence there would not be conducive to the public good, except for such direction made in respect of conduct committed before the specified date (unless the Minister is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain” ; and for “an EEA decision” read “an exclusion direction”)
UK or the Channel Islands	the United Kingdom or the Bailiwick of Jersey or the Bailiwick of Guernsey

Annex 2 – consideration of a valid application

A2.1 A valid application made under this Appendix will be decided on the basis of—

- (a) the information and evidence provided by the applicant, including in response to any request for further information or evidence made by the immigration officer or the entry clearance officer; and
- (b) any other information or evidence made available to the immigration officer or the entry clearance officer (including from other government departments) at the date of decision.

A2.2 (a) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the immigration officer, or entry clearance officer may invite the applicant to—

- (i) provide further information or evidence that they meet those requirements; or
 - (ii) be interviewed by the immigration officer or entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.
- (b) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the immigration officer or the entry clearance officer may invite the relevant EEA citizen on whom the applicant relies as being his or her family member to—
- (i) provide information or evidence about his or her relationship with the applicant; or
 - (ii) be interviewed by the immigration officer or the entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.
- (c) If the applicant or (as the case may be) the relevant EEA citizen—
- (i) fails to provide the information or evidence requested; or
 - (ii) on at least 2 occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,
- the immigration officer or the entry clearance officer may draw any factual inferences about whether the applicant meets the eligibility requirements for entry clearance as appear appropriate in the circumstances.
- (d) The immigration officer or the entry clearance officer may decide, following the drawing of a factual inference under sub-paragraph (3), that the applicant does not meet the eligibility requirements for entry clearance.
- (e) The immigration officer or the entry clearance officer must not decide that the applicant does not meet the eligibility requirements for entry clearance on the sole basis that the applicant or the relevant EEA citizen failed on at least 2 occasions to comply with an invitation to be interviewed.”

Changes to Appendix FM-SE

FMSE1. After paragraph 26, insert—

“Evidence of the Applicant Living Overseas with a Crown Servant

26A. Where—

- (a) an applicant for entry clearance, limited leave to enter or remain or indefinite leave to remain as a partner under Appendix FM (except as a fiancé(e) or proposed civil partner) intends to enter or remain in the Isle of Man to begin their probationary period (or has done so) and then to live outside the UK and Islands for the time being with their sponsor (or is doing so or has done so) before the couple could live together permanently in the Isle of Man; and
- (b) the sponsor, who is a British citizen or settled in the Isle of Man, is a permanent member of HM Diplomatic Service or a comparable UK or Island-based member of the British Council, the Department for International Development or the Home Office on a tour of duty outside the UK and Islands,

the applicant must provide a letter on official stationery from the sponsor’s head of mission confirming the information at (a) and (b) and confirming the start date and expected end date of the sponsor’s tour of duty outside the UK and Islands.”.

FMSE2. For paragraph 27, substitute—

“27. The evidence required of passing an English language test in speaking and listening (at a minimum level of A1 or A2 (as the case may be) of the Common European Framework of Reference for Languages) with a provider approved by the Secretary of State, where the applicant relies on that pass to meet an English language requirement, is confirmation on the on-line verification system operated by an approved English language test provider and at an approved Secure English Language Test centre that—

- (a) the applicant has passed such a test; and
- (b) that test was an English language test in speaking and listening which is approved by the Secretary of State and was taken no more

than 2 years before the date of application and at a test centre approved by the Secretary of State as a Secure English Language Test Centre.

Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages of Gov.uk.”.

FMSE3. In sub-paragraph 32D(d), omit “under Appendix O”.

Changes to Appendix KOLL

KoLL1. In paragraph 2.2(b)(iii), omit “as specified in Appendix O to these Rules”.

KoLL2. In paragraph 2.2(c)—

- (a) for “as specified in Appendix O to these Rules”, substitute “as published on the UK Visas and Immigration pages of Gov.uk”; and
- (b) omit “as specified in Appendix O,”.

KoLL3. In paragraph 3.2(b)(ii)—

- (a) for “as specified in Appendix O to these Rules”, substitute “as published on the UK Visas and Immigration pages of Gov.uk”; and
- (b) omit “as specified in Appendix O,”.

KoLL4. In paragraph 3.3(i)—

- (a) for “as specified in Appendix O to these Rules”, substitute “as published on the UK Visas and Immigration pages of Gov.uk”; and
- (b) omit “as specified in Appendix O,”.

KoLL5. For paragraph 4.15, substitute—

“The information specified for the purposes of paragraph 2.3 of this Appendix is—

- (a) a unique reference number issued to the applicant by the provider of the “Life in the UK” test; or
- (b) where the “Life in the UK and Islands test” was taken and passed in the Isle of Man, a pass certificate in respect of the test issued by the

relevant educational institution or other person approved for that purpose by the Minister.”.

Changes to Appendix O

O1. Omit Appendix O.

Changes to Appendix W

W1. In Part 2.4, at the end of sub-paragraph (5), insert—

“, except where the applicant’s employment is as a doctor, dentist, nurse or midwife, and have passed an English language assessment which is accepted by the relevant regulated professional body as a requirement for registration, in which case they do not need to meet the requirement of paragraph 2.2 of Appendix KOLL when applying for indefinite leave to remain.”.

MADE 27 SEPTEMBER 2019

HOWARD QUAYLE

Minister for the Cabinet Office

Explanatory Note

to the Statement of Changes In Immigration Rules SD 2019/0380

(This note is not part of the Statement of Changes in Immigration Rules)

1. Purpose of this Statement of Changes in Immigration Rules

Following a Statement of Changes in Immigration Rules made by the United Kingdom on 9 September 2019 (HC 2631), this Statement has been made to introduce equivalent changes to the Island's European Union Settlement Scheme under Appendix EU and Appendix EU (Family Permit), as well as amendments to Part 9 of the Rules that are related to the operation of the Scheme.

Amendments have also been made to reflect the removal of the list of approved English language test providers from the Rules, which will now be published on the gov.uk website. Minor consequential amendments have been made to several other parts of the Rules as a result.

An amendment has also been made to Appendix B and Appendix W, which exempts doctors, dentists, nurses and midwives from having to sit an approved English language test, where they have already passed an English language test accepted by the relevant professional regulatory body.

2. Amendments to the EU Settlement Scheme

In particular the amendments made to the EU Settlement Scheme (EUSS), under Appendix EU and Appendix EU (Family Permit) provide—

- access to the EUSS until 29 March 2022, regardless of whether the United Kingdom withdraws from the EU with a Withdrawal Agreement ('deal' scenario) or without a Withdrawal Agreement ('no deal' scenario), for existing close family members (where the relationship existed on exit day) of British citizens returning with them from the EEA or Switzerland having lived there together while the British citizen exercised their free movement rights. Close family members are children and grandchildren (including those born overseas after exit day), spouses, civil partners, durable partners, parents and grandparents;
- access to the EUSS until 31 December 2020, in both 'deal' and 'no deal' scenarios, for future spouses, civil partners and durable partners (where the relationship was established after exit), and other dependent relatives, of British citizens returning with them from the EEA or Switzerland having lived there together while the British citizen exercised their free movement rights; and

- some clarification of how the Immigration Rules for the EUSS in Appendix EU reflect the provisions of the Immigration (European Economic Area) Regulations 2019⁵(“ the EEA Regulations”) covering this route under EU law, and to make some further consequential changes following the inclusion of extended family members in that route under the EEA Regulations from 21 June 2019.

Additional minor and technical changes—

- clarify the definitions relating to relevant dual nationals, i.e. EEA citizens who were resident in the Island under the EEA Regulations and have naturalised as a British citizen, whose family members can apply under the scheme. This includes allowing their child aged under 21 to apply for settled status under the EUSS on the basis that their parent would qualify for it if they could apply, which, as a British citizen, they cannot;
- allow an applicant for an EUSS family permit to rely on the fact that their EEA citizen family member is a relevant dual national, who would qualify for status under the scheme if they could apply for it, which, as a British citizen, they cannot; or is an Irish citizen who would qualify for such status if they applied for it, which they are not required to do;
- count offshore working, e.g. by North Sea oil workers, as permitted absence from the UK and Islands, so that such work can be included as Isle of Man residence for the purposes of an EUSS application;
- confirm that a family member relying for their status on an EEA citizen who has ‘ceased activity’, e.g. retired early from employment in the Island, must have been resident in the Island as their family member at that point;
- clarify requirements for evidence of family relationship. In particular, require an EEA citizen applicant (like a non-EEA citizen applicant) without documented permanent residence status to provide relevant evidence about their EEA citizen family member, where they are relying on their relationship to that person (rather than on their own residence as an EEA citizen, e.g. where they became an EEA citizen during their residence here);
- require an applicant who relies on being the ‘dependent parent’ of an EEA citizen to evidence that dependence where their child is under the age of 18;
- provide for a non-EEA citizen family member granted EUSS status, whose proof of that EUSS status is lost or stolen overseas, to apply free of charge for an EUSS travel permit to enable them to travel to the Isle of Man, where they can apply for a replacement document; and,
- provide discretionary grounds for refusing an application under the EUSS, or an application for an EUSS family permit or travel permit, where there has been a previous cancellation of EUSS leave or leave acquired having arrived in the Isle of

⁵ SD 2019/0132 (as amended).

Man with an entry clearance granted under Appendix EU (Family Permit), or a previous refusal of admission, and refusing the application is justified on the grounds of public policy, public security or public health (or on the grounds that the decision would be conducive to the public good as a result of the person's post-exit conduct in a 'no deal' scenario or as a result of the person's conduct after the end of the implementation period on 31 December 2020 in a 'deal' scenario).